



**ORIGINAL**

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GALLEON S.A.,  
BACARDI-MARTINI U.S.A., INC., and  
BACARDI & COMPANY LIMITED,

Petitioners,

-against-

HAVANA CLUB HOLDINGS, S.A. and  
HAVANA RUM & LIQUORS, S.A. d/b/a  
H.R.L., S.A.,

Respondents.

Registration No. 1,031,651

Cancellation No. 24108

*#23*  
*Exh Section*

**RESPONDENTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT**

**and**

**DECLARATIONS AND EXHIBITS SUBMITTED IN SUPPORT  
OF RESPONDENTS' MOTION FOR SUMMARY JUDGMENT**

**VOLUME I**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X	:	Cancellation No. 24,108
GALLEON S.A.,	:	
BACARDI-MARTINI U.S.A., INC., and	:	
BACARDI & COMPANY LIMITED,	:	
	:	
Petitioners,	:	
	:	
-against-	:	
	:	
HAVANA CLUB HOLDING, S.A. and	:	
HAVANA RUM & LIQUORS, S.A. d/b/a	:	
H.R.L., S.A.,	:	
	:	
Respondents.	:	
	:	
Registration No. 1,031,651	:	
-----X	:	

NOTICE OF MOTION FOR SUMMARY JUDGMENT DISMISSING THE PETITION  
AND FOR OTHER RELIEF

To Galleon S.A.; Bacardi-Martini U.S.A., Inc.; Bacardi  
& Company Limited; and their Attorneys of Record:

PLEASE TAKE NOTICE that, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, respondents Havana Club Holding, S.A. and Havana Rum & Liquors, S.A., by this document, upon the annexed declarations and attached exhibits, upon the accompanying Memorandum Of Law In Support Of Respondents' Motion For Summary Judgment, and upon all prior pleadings and proceedings herein, move the Trademark Trial and Appeals Board for an Order granting summary judgment in favor of Havana Club Holding, S.A. and Havana Rum & Liquors, S.A. dismissing the amended and supplemental petition for cancellation.

PLEASE TAKE FURTHER NOTICE that, in addition to so moving for summary judgment with respect to all of the claims of the

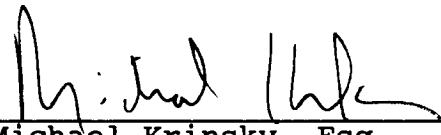
amended and supplemental petition, respondents Havana Club Holding, S.A. and Havana Rum & Liquors, S.A., by this document, also move for dismissal of the claim in said petition styled "Misrepresentation of Goods" pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the further ground that, as repleaded pursuant to leave of the Board, it fails to state a claim upon which relief can be granted.

Dated: New York, New York  
October 17, 1996

Respectfully submitted,

RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.

By:

  
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New York, New York 10178

INDEX OF DECLARATIONS SUBMITTED IN SUPPORT OF  
RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

VOLUME I

1. Declaration of Maria del Carmen Abarrategui Goicolea (cited as "Abarrategui Dec." in respondent's Memorandum of Law).
2. Declaration of Maria del Carmen Abarrategui Goicolea ("Abarrategui Dec. II").
3. Declaration of Maria del Carmen Abarrategui Goicolea ("Abarrategui Dec. III")
4. Declaration of Luis Francisco Perdomo Hernandez ("Perdomo Dec.").
5. Declaration of Luis Francisco Perdomo Hernandez ("Perdomo Dec. II").
6. Declaration of Luis Francisco Perdomo Hernandez ("Perdomo Dec. III").
7. Declaration of Debra Evenson ("Evenson Dec.").
8. Declaration of Vidal Manuel Prieto Espina ("Prieto Dec.").
9. Declaration of Miguel Antonio Pria Grosso ("Pria Dec.").
10. Declaration of Miguel Antonio Pria Grosso ("Pria Dec. II").
11. Declaration of Marta E. Sosa Brizuela ("Sosa Dec.").
12. Declaration of Maria de la Luz B'Hamel ("B'Hamel Dec.").
13. Declaration of Caroline Rule ("Rule Dec.").
14. Declaration of Caroline Rule ("Rule Dec. II").
15. Declaration of Caroline Rule ("Rule Dec. III").

VOLUME II

16. Declaration of Michael Krinsky ("Krinsky Dec.")
17. Declaration of Michael Krinsky ("Krinsky Dec. II").
18. Declaration of Sergio Campagnola ("Campagnola Dec.").

19. Declaration of Hilda Diaz ("Diaz Dec.").
20. Declaration of America N. Santos Rivera ("Santos Dec.")
21. Declaration of Sandra Levinson ("Levinson Dec.").
22. Declaration of Debra Evenson ("Evenson II").
23. Declaration of Jessica Heyman ("Heyman Dec.").
24. Declaration of Carlos A. Arevalo ("Arevalo Dec.").



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October 18, 1996

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Assistant Commissioner for Trademarks

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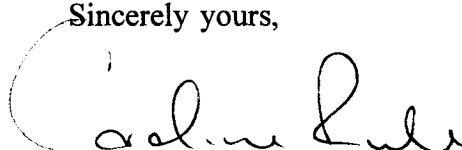
Re: GALLEON, S.A. et al. V. HAVANA CLUB  
HOLDING, S.A. et ano., Cancellation No. 24,108

Dear Sir/Madam:

Enclosed please find for filing the original and two copies of Respondent's Notice of Motion For Summary Judgment; Declarations Submitted In Support Of Respondents' Motion For Summary Judgment (bound in Volumes I and II); and the Answer To The Supplemental And Amended Petition in the above-reference proceeding. A Certificate of Express Mailing and Service is appended to the end of each document.

Please acknowledge receipt of these documents on the enclosed postcard. Thank you for your attention.

Sincerely yours,



Caroline Rule

cc. William R. Golden, Jr.  
Margaret Ferguson  
Kelley Drye & Warrent  
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New York, New York  
Attorneys for Petitioners